

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAKE MICHIGAN CREDIT UNION,

Plaintiff,

v.

MATTHEW DAVID GLEASON,

Defendant.

Case No. 1:16-cv-1443

HON. JANET T. NEFF

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OPINION AND ORDER

This matter is presently before the Court on Defendant's pro se objections to a May 22, 2017 Report and Recommendation issued by the Magistrate Judge, recommending that this Court grant Plaintiff's Corrected Motion for Judgment on the Pleadings (ECF No. 12) and close this case. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

The Magistrate Judge determined that Defendant, in attempting to remove this case, seeks to invoke the authority of this Court to hear claims in a state court matter that has already been litigated to conclusion (R&R, ECF No. 19 at PageID.157). The Magistrate Judge concluded that this Court lacks subject matter jurisdiction to hear or resolve such claims (*id.*). In his objections, Defendant expresses his general dissatisfaction with the outcome in this matter, but he fails to address, let alone identify error within, the Magistrate Judge's jurisdictional analysis or conclusion. *See* W.D. Mich. LCivR 72.3(b) (requiring an objecting party to "specifically identify the portions

of the proposed findings, recommendations or report to which objections are made and the basis for such objections”). Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court.

Because this Opinion and Order resolves all pending claims in this case, a Judgment will also be entered. *See* FED. R. CIV. P. 58. Further, because this action was filed *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007). Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 20) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 19) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff’s Corrected Motion for Judgment on the Pleadings (ECF No. 12) is GRANTED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of the Judgment would not be taken in good faith.

This case is closed.

Dated: June 21, 2017

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge